

Doc #1

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARNOLD TARLING,

Plaintiff,

v.

ACCENTURE LLP,

Defendant.

05 CV 1548
Case No.

Judge

COMPLAINT

Plaintiff Arnold Tarling, by counsel, complains of defendant Accenture LLP
as follows:

THE PARTIES

1. Plaintiff Arnold Tarling was employed by defendant.
2. Defendant Accenture LLP employed Plaintiff.

VENUE AND JURISDICTION

3. This Court has federal question jurisdiction over this matter under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, ("FLSA"), and supplemental jurisdiction over claims brought under the California Labor Code Section 1194 ("California Labor Code").

4. Venue is proper in this Court because Defendant does business and is subject to personal jurisdiction in this district.

FACTS

5. Plaintiff was employed by Defendant.
6. Defendant is a covered employer under the FLSA and the California Labor Code.

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7. The FLSA and state law require the payment of one and one-half times a non-exempt employee's regular rate of compensation for all hours worked in excess of 40.

8. In the last three years, Plaintiff has worked in excess of 40 hours a week without payment of overtime compensation at a rate of one and one-half times her regular rate of pay.

9. Defendant wrongly classified Plaintiff as exempt from the FLSA's and state law overtime requirements.

COUNT 1

10. Plaintiff repeats and realleges the allegations set forth in 1-9 as if more fully set forth herein.

11. By and through its conduct, Defendant willfully violated the FLSA by wrongly classifying Plaintiff as exempt and failing to pay Plaintiff overtime compensation for all hours worked in excess of 40 in a week.

COUNT II

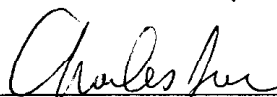
12. Plaintiff repeats and realleges the allegations set forth in 1-11 as if more fully set forth herein.

13. By and through its conduct, Defendant willfully violated the California Labor Code by wrongly classifying Plaintiff as exempt and failing to pay Plaintiff overtime compensation for all hours worked in excess of 40 in a week or eight in a day.

WHEREFORE, Plaintiff demands judgment on Counts 1 and 2 in the amount of unpaid overtime compensation as found by the Court, an equal amount in liquidated damages, and interest, costs, reasonable attorney's fees, and such other relief as the Court deems just and fair.

Date: February 4, 2005
New York, New York

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Charles Joseph", written over a horizontal line.

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